



Bill Title: House Bill 227, Wicomico County - Landlord and Tenant - Repossession for Failure to Pay Rent - Procedures

Committee: Environment & Transportation

Date: February 18, 2020

Position: Favorable with Amendments

This testimony is offered on behalf of the Maryland Multi-Housing Association (MMHA). MMHA is a professional trade association established in 1996, whose members consist of owners and managers of more than 210,000 rental housing homes in over 958 apartment communities. Our members house over 538,000 residents of the State of Maryland. MMHA also represents over 250 associate member companies who supply goods and services to the multi-housing industry.

In Wicomico County, under House Bill 227, if judgment is given in favor of the landlord, the landlord may provide for repossession of the property by notifying the tenant of the intended repossession in writing sent by certified mail, return receipt requested, at least 14 days before the intended date of repossession and posted on the leased premises at least 7 days before the intended date of repossession. House Bill 227 also requires the notice to include such items as the district court summary ejectment case number, the address of the leased premises, the date on which the warrant of restitution was ordered by the district court and a statement that the repossession may occur unless the tenant returns control of the leased premises to the landlord or exercises the right to redemption. House Bill 227 provides there is a rebuttable presumption that the tenant was notified if the landlord provides the certificate of mailing and a signed affidavit of the person who posted the notice on the leased premises. If the sheriff reasonably believes that the landlord has not provided the notice the sheriff shall notify the district court and may not execute the warrant of restitution without further order of the district court. If the district court finds that the landlord did not provide the notice the District Court shall vacate the warrant of restitution.

If the landlord presents the documentation, any official of the county entitled to serve process may execute the warrant by putting the landlord in possession of the premises, without removal of any chattels or personal property from the premises. All chattels and personal property remaining in or about the leased premises at the time that the warrant of restitution shall be deemed abandoned. The landlord or any person acting on the landlord's behalf may not be liable for any loss or damage to property deemed abandoned. The landlord may dispose of abandoned property by transportation to a licensed landfill or solid waste facility, donation to charity or by any legal means.

House Bill 227 is patterned after Baltimore City Code Article 13, Section 8A for disposal of tenant's possessions. This legislation benefits all parties. Under House Bill 227, a tenant will get specific notice in advance, along with a date when eviction will occur with a deadline to pay



what is due or relocate. Municipalities will no longer have to use public resources to dispose of chattels. Lastly, for a landlord, passage of House Bill 227 creates a bright line specifying when a tenant's property is abandoned and when the landlord can lawfully dispose.

Based upon some concerns of the opponents to the bill, we offer amendments and reasons for those amendments below:

- On page 3, in line 8, strike "MAY" and substitute "SHALL"
This makes the section mandatory for the Landlord which is what the opposition wanted and tracks the Baltimore City ordinance.
- On page 3, in line 10, strike "CERTIFIED MAIL, RETURN RECEIPT REQUESTED" and substitute "BY FIRST CLASS MAIL , WITH CERTIFICATE OF MAILING"
All certificates of mailing accompany first class mail
- On page 3, in line 19, strike "LEASE OR OTHERWISE AGREED BY LANDLORD" and substitute "SUMMARY EJECTMENT CASE"
This is consistent with what the law provides
- On page 3, in line 26, strike the word "CONTROL" and substitute "POSSESSION"
Possession is what the landlord is seeking in the Failure to Pay Rent matter, if there is no redemption.

For these reasons, MMHA respectfully requests a favorable report with amendments on House Bill 227.

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